



CITY OF MORGAN HILL  
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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## PLANNING COMMISSION

TUESDAY, MAY 11, 2004

CITY COUNCIL CHAMBERS  
CIVIC CENTER  
17555 PEAK AVENUE  
MORGAN HILL, CA

### COMMISSIONERS

CHAIR JOSEPH H. MUELLER  
VICE-CHAIR CHARLES D. WESTON  
COMMISSIONER H. GENO ACEVEDO  
COMMISSIONER ROBERT J. BENICH  
COMMISSIONER ROBERT ENGLES  
COMMISSIONER ROBERT L. ESCOBAR  
COMMISSIONER RALPH LYLE

REGULAR MEETING - 7:00 P.M.

\*\*\* A G E N D A \*\*\*

### NOTICE TO THE PUBLIC

*The following policies shall govern the conduct of the Planning Commission meetings:*

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
  - *Those supporting the application*
  - *Those opposing the application*
  - *Those with general concerns or comments*
  - *Presentations are limited to 5 minutes.*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

**OPEN PUBLIC COMMENT PERIOD (5 MINUTES)**

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

**MINUTES:** April 27, 2004

**NEW BUSINESS:**

1. **DEVELOPMENT AGREEMENT AMENDMENT, DAA-03-01: CHRISTEPH-KAMANGAR/TANSY:** A request to amend the development agreement for a three-lot single-family residential subdivision on a 1.58-acre site located south of Llagas Rd., between Hale Ave. and Waugh Dr., at 18200 Christeph Dr. in an R-1 (20,000) zoning district. This project originally received approval under Measure "E". Approval of the development agreement would extend the timeline for final map approval by one year. (APN 764-32-025)

**Recommendation:** Open Public Hearing/table

**OLD BUSINESS:**

2. **ZONING AMENDMENT, ZA-04-01/SUBDIVISION, SD-04-01/DEVELOPMENT AGREEMENT, DA-04-01: TILTON-GLENROCK:** A request to amend the precise development plan for the Capriano subdivision located on the west side of Hale Ave., south of Tilton Ave. The proposed amendment would allow for 24 single family detached homes. Also requested is the approval of a 24 lot subdivision map and development agreement for an 8.7 acre portion of the 67 acre Capriano project. (APN 764-9-06, 16, 17, 32 & 33)

**Recommendation:**

- 1) Reconvene Public Hearing
- 2) Adopt Resolution No. 04-31a (zoning amendment) recommending Council denial; or should the Commission wish to recommend approval, Adopt Resolution No. 04-31b (zoning amendment).
- 3) Adopt Resolution No. 04-32a (subdivision) denying request; or should the Commission wish to approve the request, Adopt Resolution No. 04-32b.
- 4) Adopt Resolution No. 04-33a (development agreement) recommending Council denial; or should the Commission wish to recommend approval, Adopt Resolution No. 04-33b (development agreement).

**PLANNING COMMISSION AGENDA**

**MAY 11, 2004**

**PAGE 3**

**NEW BUSINESS:**

3. **USE PERMIT AMENDMENT, UPA-97-08: JOHN WILSON-OAKWOOD COUNTRY SCHOOL:** A request for approval to amend the conditional use permit for the Oakwood Country School to allow for an increase in student population and expansion of the campus to include a high school curriculum. Expansion of the campus will include the construction of new athletic fields, classrooms and facilities. The subject site is approximately 22.7 acres and is located on the north side of John Wilson Way, west of Monterey Road, in a RE(100,000) zoning district. (APNs 779-04-060, -064, & -066)

**Recommendation:** Open Public Hearing/Approve Mitigated Negative Declaration/Adopt Resolution No. 04-45, approving request.

4. **USE PERMIT, UP-04-05: MONTEREY-PING'S MONGOLIAN BBQ:** A request for approval of a conditional use permit to allow the establishment of a 1859 sq. ft. sit-down restaurant at 16965 #102B Monterey Road in the Morgan Hill Plaza shopping center. The site is located the at the southwest corner of Monterey Road and W. Dunne Avenue in the Planned Unit Development (PUD) zoning district. (APN 767-09-016)

**Recommendation:** Open Public Hearing/Adopt Resolution No. 04-46, approving request.

5. **SUBDIVISION, SD-04-07/DEVELOPMENT AGREEMENT DA 04-02: CENTRAL-SOUTH COUNTY HOUSING:** A request for subdivision and development agreement approval for an eleven lot subdivision of a 1.5 acre site located on the north east corner of the intersection of Central Ave. and McLaughlin Ave. in the R-2 3,500/RPD zoning district. (APN 726-24-022, 023 024)

**Recommendation:** Open Public Hearing/Adopt Resolution Nos. 04-47 (subdivision) approving request, and No. 04-48 (development agreement), with recommendation to forward to the City Council for approval.

6. **DEVELOPMENT AGREEMENT AMENDMENT, DAA-02-09: DEWITT-MARQUEZ/GLUHAICH:** A request for Development Agreement Amendment approval of a 5-lot single-family residential subdivision on an existing two-acre parcel located on the west side of DeWitt Ave. approximately 700 ft. south of the DeWitt Ave. intersection with W. Dunne Ave. The amendment request would extend construction commencement for two building allocations (FY 2003-04) for six months to December 31, 2004 and for two building allocations (FY 2004-05) for six months to December 31, 2005. (APN 773-08-014)

**Recommendation:** Open Public Hearing/Adopt Resolution No. 04-49, with recommendation to forward to the City Council for approval.

7. **ZONING AMENDMENT, ZA-04-08: CITY OF MORGAN HILL-SUBCOMMITTEE RECOMMENDATIONS FOR CHANGES TO THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM STANDARDS AND CRITERIA:** A request to amend Articles I, II and II in Chapter 18.78 of the Morgan Hill Municipal Code, and amending the evaluation standards and criteria for proposed residential developments as set forth in Sections 18.78.200 through 18.78.410 of the Municipal Code.

**Recommendation:** Open Public Hearing/Adopt Resolution No. 04-50 approving final draft

ordinance for adoption by the City Council.

**OTHER BUSINESS:**

8. **USE DETERMINATION FOR A MEDICAL & PROFESSIONAL OFFICE USE IN THE M-L, LIGHT INDUSTRIAL DISTRICT:** A request to establish a medical, dental and professional office use in the M-L, Light Industrial District at the corner of Caputo Drive and Tennant Avenue. The discussion will also address whether the City should amend the Zoning Ordinance to ensure that medical facilities are allowed within industrial zoning districts as provided under action item 17.10 of the Community Development Element of the General Plan.

**Recommendation:** Discussion

9. **HOUSING TYPE DISTRIBUTION & TERM FOR FY 2004-05 MEASURE "C" COMPETITION (FY 2006-07 BUILDING ALLOTMENT):**

**Recommendation:** Adopt Resolution No. 04-51, with recommendation to forward to the City Council for approval.

**TENTATIVE UPCOMING AGENDA ITEM FOR THE MAY 25, 2004 MEETING:**

- Review and approval of Final EIR for The Institute
- ZA-03-03: Foothill-The Institute
- ZA-04-02: Cochrane Assisted Living Center
- DAA-03-10: Cochrane-Coyote Estates
- Selection of Chair and Vice Chair

**ANNOUNCEMENTS:**

**CITY COUNCIL REPORTS**

**ADJOURNMENT**

**SPEAKER CARD**

*IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.*

**PLANNING COMMISSION AGENDA**

**MAY 11, 2004**

**PAGE 5**

**NOTICE**  
**AMERICANS WITH DISABILITY ACT (ADA)**

*The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.*

*If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.*

**NOTICE**

*NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.*

**NOTICE**

*The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.*